

No. 5:13-CR-162-F

ORDER

A hearing was convened, pursuant to 18 U.S.C. § 4247(d), at which the defendant, together with his counsel, Wayne Payne, and the Assistant United States Attorney were present. The defendant was afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appeared at the hearing. However, the defendant, through counsel, chose not to object to the findings of the report or otherwise put on evidence relating to his mental competency. The psychiatric report indicates that the defendant is currently suffering from a mental disease or defect and is unable to understand the nature and consequences of the proceedings again or to assist properly in his

defense.

The court has carefully considered the psychological evaluation report, together with the record in this case, and personally has observed the defendant in court. At the conclusion of the hearing, the court has determined by a preponderance of the evidence, that the defendant presently is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

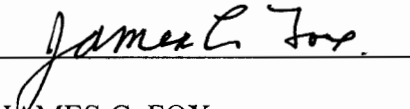
Accordingly, it is ORDERED that the defendant is COMMITTED to the custody of the Attorney General for hospitalization for treatment in a suitable facility as close as practicable to the court, for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit these proceedings to go forward. 18 U.S.C. § 4241(d). At the conclusion of that period of time not to exceed four months, the mental health care provider conducting or overseeing his treatment shall prepare and submit to the court a written report, with copies provided to counsel for the defendant and for the Government, detailing his or her professional observations, conclusions and recommendations whether there exists a substantial probability that in the foreseeable future the defendant will attain the capacity to permit these proceedings to go forward.

Upon receipt and consideration by the court and counsel for the parties of the four-month treatment report, the court will determine whether the defendant should remain hospitalized and receive treatment for an additional reasonable period of time until his mental condition is so improved that trial may proceed, or until the pending charges against him are disposed of

according to law, whichever is earlier. *Id.*

SO ORDERED.

This the 30th day of June, 2014.

A handwritten signature in black ink, reading "James C. Fox", written over a horizontal line.

JAMES C. FOX
Senior United States District Judge

Defense Counsel:
Prosecutor:

Mr. Wayne Payne
AUSA Toby Lathan